

## **REMARKS**

### **I. Summary of Office Action**

In the office action mailed April 14, 2008, the Examiner rejected claims 1-40 under 35 U.S.C. § 103(a) as being unpatentable over Killian (U.S. Pat. No. US6,163,316A) in view of Klosterman et al. (U.S. Pat. No. 5,940,073), hereafter referred to as Killian and Klosterman, respectively.

### **II. Status of Claims**

In this response, Applicants have amended claims 1, 29 and 35. Pending are claims 1-40, of which claims 1, 19, 24, 29, 33, 35 and 37 are independent and the remainder are dependent.

### **III. Response to 35 U.S.C. § 103 Rejections**

Applicants' invention of the present claims enable remote programming of a media recorder over a network such as the World Wide Web. For example, a Web site may show an advertisement for a scheduled television program. A user at his work office can simply click on the ad to remotely program his home media recorder to record the advertised show. Because the user's work office and home may be far apart, Applicants' disclosure describes approaches for associating the user with his home recorder.

#### **A. Claims 1-40 are Allowable As Killian and Klosterman Do Not Show Selecting Web Advertising to Remotely Schedule**

With regard to claim 1, neither Killian nor Klosterman show Applicants' claimed "advertisement for a broadcast program to be provided on a first web site" where "selection of the advertisement" causes "automatically remotely programming the media-based device to record" the program. Applicants provide a particularly convenient way to program one's recorder over the Web. In contrast, Killian shows an advertisement on a Web site, but the advertisement cannot be selected as Killian merely provides a way to program a recorder locally.

A local user of Killian may benefit from other capabilities of the Web, i.e., using program guide information to free manual entry of start times and viewing a Web site about the program while the program is playing. This is not the same as, however, being able to remotely program one's recorder from a Web site.

Klosterman does not cure the deficiencies of Killian. Klosterman is directed to program guides displayed on the local television or computer screen, but does not address the ability to remotely programming a recorder over the Web. Figure 12 shows the system with a program guide data processor directly connected to the local VCR and TV monitor. While Klosterman shows an advertisement on a program guide that can be selected, there is no mention of connection to and programming over the Web or network.

Independent claims 1, 19, 24, 29, 33, 35 and 37 all similarly require remote programming over the web”

- Claim 1: “automatically remotely programming”
- Claim 19: “the source web service programming the media-based device”
- Claim 24: “online web service”
- Claim 29: “over a network”
- Claim 33: “over a network”
- Claim 35: “automatically remotely programming”
- Claim 37: “online web service”

The combination of Killian and Klosterman does not show selecting an advertisement on a web site to remotely record the advertised program. Killian shows an advertisement on a website, but it cannot be selected to record the program over the web. Klosterman shows an advertisement that can be selected, but it does not program the media recorder over the web. Thus, neither reference shows an advertisement that is selected causing remote programming over the web. As

such, independent claims 1, 19, 24, 33, 35 and 37 are all similarly allowable over the combination of Killian and Klosterman,

Because independent claims 1, 19, 24, 29, 33, 35 and 37 are allowable, all pending claims 2-18, 20-23, 25-28, 30-32, 34, 36 and 38-40 depend from the allowable independent claims and are also allowable for the same reasons.

**B. Claims 19-28 and 37-39 are Further Allowable As Killian and Klosterman Do Not Show “Identification Information”**

Independent claims 19, 24, and 37 are also allowable for an additional independent reason. These claims recite the extraction of “identification information” that is used for “logging into the source web service” (claim 19) or “accessing” such a service (claims 24, 37). The Examiner cites “viewer profiles” (Killian, column 10, lines 1-17) as identification information, however, these profiles are not used to log in to any web service. Rather, viewer profiles are only a collection of user preferences:

For each option presented to the viewer in connection with preference templates 82, preference templates 82 allow the viewer to provide ranking information that EPG 70 uses to generate viewer profile 84 and provide enhanced viewing opportunities according to viewer profile 84, as discussed more fully below. Referring to FIG. 4, genre preference template 82 includes options 86 and corresponding rankings 88 in any suitable presentation format that is viewable on television 40. In one embodiment, the viewer provides a ranking 88 for each option 86 to indicate the desirability of programming associated with option 86 according to any suitable scale, standard, or other criteria. For example, for each option 86, template 82 might include any number of circles, boxes, or other locations on template 82 that each correspond to a qualitative assessment of the degree to which the viewer will likely enjoy programming associated with option 86.

Col. 10, lines 1-17. Killian does not disclose using user preferences for “logging into the source web service.” Thus, independent claims 19, 24, and 37 are allowable and the dependent claims are allowable for the same reasons.

**C. Claims 29-32 are Further Allowable As Killian and Klosterman Do Not Use Multiple Servers**

Independent claim 29 further recites that a first server “transmit[s] identifying information of the user to the second server.” As described above, Killian and Klosterman do not disclose the use of identifying information of the user. Moreover, Killian and Klosterman do not disclose the sharing of such identifying information among more than one server, such as the first and second server of claim 29. Accordingly, neither claim 29, nor its dependent claims 30-32 are rendered obvious by Killian and Klosterman.

**D. Claims 2, and 3-5 are Further Allowable As Killian and Klosterman Do Disclose a Hyperlink Embedded in a Web Site**

Dependent claim 2 recites that the advertisement for a broadcast program is a hyperlink embedded in a web site. The hyperlink disclosed by Killian (see col. 5, lines 19-21) is not a hyperlink embedded in a web site. Instead, it is a hyperlink stored in “channel mapping information.” See col. 5, line 11. Selection of Killian’s hyperlink does not result in “automatic programming of the media-based device to record the broadcast program” as recited in parent claim 1—it merely results in the display of the information at that hyperlink. See col. 5, lines 27-29. Accordingly, claim 2, and its dependent claims 3-5 are not rendered obvious by Killian and Klosterman.

**E. Claims 3, 20 and 25 Are Further Allowable As Killian and Klosterman Do Not Disclose a One-Click Programming Method**

Dependent claim 3 recites that selection of the advertisement and automatic programming of the media-based device are invoked by one click on a hyperlink. This claim was rejected on the ground that “Killian allows for various input devices, including a mouse and touch screen and teaches the use of hyperlinks.” See Final Office Action, at 3. The mere use of a mouse or touch screen to select hyperlinks neither expressly nor inherently discloses that “one click on the

hyperlink” will invoke “automatic programming of the media-based device.” Thus, claim 3 is not rendered obvious by Killian and Klosterman and is allowable.

Claims 20 and 25 similarly recite that “the media-based device records the broadcast program with one click ... of the advertisement.” Again, the combination simply does not disclose a system in which a broadcast program is recorded as a result of a single click on an advertisement. Thus, claims 20 and 25 are allowable and not rendered obvious by Killian and Klosterman.

**F. Claims 4-5 Are Further Allowable As Killian and Klosterman Do Not Disclose Keeping a Count of Hyperlink Selection**

Claim 4 recites the step of “allowing the second website to monitor a count of a number of times the hyperlink is selected.” This claim was rejected on the ground that “it is inherent that cookies are applied” in Killian’s design. See Office Action, at 5. Even if the use of cookies were inherent in Killian’s design, there is no disclosure that any such cookies are inherently used in Killian’s system to monitor the number of times a hyperlink is selected. Accordingly, claim 4 and its dependent claim 5 cannot be rendered obvious by Killian and Klosterman.

**IV. Conclusion**

Applicant respectfully submits that, in view of the remarks above, all of the pending claims 1-40 are allowable over the cited references. Applicant, therefore, respectfully requests withdrawal of the current rejections. The Examiner is invited to call the undersigned at (312) 913-2134 with any questions or comments.

Respectfully submitted,

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